

UNITED STATES DISTRICT COURT
SOUTHERN OF NEW YORK

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PATRICIA A. GRANT,

ANSWER

Plaintiff,

08 civ. 02189 (SHS)

-v.-

NYC DEPARTMENT OF EDUCATION; JOHN DOE,

Defendants.

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Defendant, New York City Board of Education (doing business as and sue herein as the Department of Education ("DOE")) by its attorney, Michael A. Cardozo, Corporation Counsel of the City of New York, for its Answer to the Complaint, respectfully alleges as follows:

1. As the first, second and fifth unnumbered paragraphs are not checked by plaintiff, no response is necessary by defendant DOE.
2. Denies the allegations set forth in the third unnumbered paragraph of the complaint, except admits that plaintiff purports to proceed as set forth therein.
3. Denies the allegations set forth in the fourth unnumbered paragraph of the compliant, except admits that plaintiff purports to proceed as set forth therein.
4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "I(A)" of the complaint.
5. Denies the allegations set forth in paragraph "I(B)" of the complaint, except admits that DOE has offices located at 65 Court Street, Brooklyn, NY 11201.

6. Denies the allegations set forth in paragraph "I(C)" of the complaint, except admits that plaintiff was assigned to John F. Kennedy High School located at 99 Terrace View Ave.-4, Bronx, New York 10463.

7. Denies the allegations set forth in paragraph "II(A)" of the complaint.

8. Denies the allegations set forth in paragraph "II(B)" of the complaint.

9. Denies the allegations set forth in paragraph "II(C)" of the complaint, except admits that plaintiff purports to proceed as set forth therein.

10. Denies the allegations set forth in paragraph "II(D)" of the complaint, except admits that plaintiff purports to proceed as set forth therein.

11. Denies the allegations set forth in paragraph "II(E)" of the complaint.

12. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "III(A)" of the complaint, except admits upon information and belief that the Equal Employment Opportunity Commission received charges of alleged discrimination for plaintiff on or about May 3, 2007.

13. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "III(B)" of the complaint, except admits that the EEOC issued a right to sue letter, dated November 21, 2007, concerning plaintiff's charge of alleged discrimination.

14. As "III(C)" is not checked by plaintiff, no response is necessary by defendant DOE.

15. Denies the allegations set forth in paragraph "IV" of the complaint.

FOR A FIRST DEFENSE:

16. The complaint fails to state a claim upon which relief can be granted.

FOR A SECOND DEFENSE:

17. Defendant DOE's determinations and actions with respect to plaintiff's employment were based on legitimate non-discriminatory reasons.

FOR A THIRD DEFENSE:

18. At all times relevant to the acts alleged in the complaint, defendants acted reasonably, properly, lawfully and in good faith.

FOR A FOURTH DEFENSE:

19. This action may be barred in whole or in part by the applicable statute of limitations.

FOR A FIFTH DEFENSE:

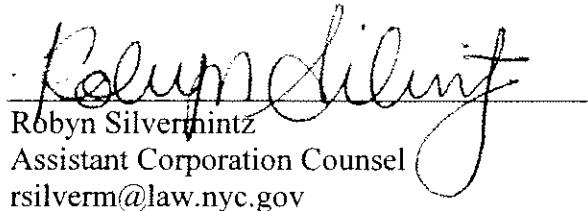
20. Plaintiff's claim for front and/or back pay may be barred by her failure to mitigate damages.

WHEREFORE, defendant DOE requests judgment dismissing the complaint and denying all relief requested therein, together with such other and further relief as the Court deems just and proper.

Dated: New York, New York
 June 16, 2008

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendant, DOE
100 Church Street, Room 2-118
New York, New York 10007
(212) 442-0144

By:


Robyn Silvermintz
Assistant Corporation Counsel
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CERTIFICATE OF SERVICE

I, **Robyn Silvermintz**, hereby certify that, on June 16, 2008, I caused a true and correct copy of the foregoing Answer to the Complaint to be served upon plaintiff *pro se*, in a prepaid postage envelope first-class mail, addressed to

Patricia A. Grant
Plaintiff, *pro se*
1743 Montgomery Avenue
Bronx, NY 10453

that being the address that plaintiff *pro se* designated for receipt of such material.

Dated: New York, New York
 June 16, 2008

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendant DOE
100 Church Street, Room 2-107
New York, New York 10007
(212) 442-0144

By:


Robyn Silvermintz
Assistant Corporation Counsel